

AMENDING THE ACT ENTITLED "AN ACT TO REGULATE THE PLACING OF CHILDREN IN FAMILY HOMES, AND FOR OTHER PURPOSES," APPROVED APRIL 22, 1944, AS AMENDED, AND FOR OTHER PURPOSES

JULY 2, 1959.—Ordered to be printed

Mr. MORSE, from the Committee on the District of Columbia, submitted the following

REPORT

[To accompany S. 746]

The Committee on the District of Columbia, to whom was referred the bill (S. 746) to amend the act entitled "An act to regulate the placing of children in family homes, and for other purposes," approved April 22, 1944, as amended, and for other purposes, after full consideration, report favorably thereon with amendments, and recommend that the bill as amended do pass.

The amendments are as follows:

Page 3, line 15, strike the word "court." and insert in lieu thereof "court.'"

Page 4, lines 1 through 16, strike all of section 3.

The purpose of this bill is to amend the act regulating the placing of children in family homes (approved April 22, 1944), so as to accomplish the following:

(1) Permit the acknowledgment of the relinquishment of parental rights before a person authorized to administer oaths as well as before a representative of a licensed child-placing agency. This change would obviate the present necessity of either having a mother who has left this jurisdiction having to return to effect the relinquishment, or the alternative of having a representative of a licensed agency travel to the new home of the mother for the purpose of witnessing the acknowledgment; and

(2) Permit the Commissioners of the District to delegate their authority contained in existing law to execute agreements with any person, firm, corporation, association, or public agency authorized by a State or country for the care and placement of minors to allow the person, agency, etc., to place nonresident children in foster or adoption homes in the District.

The bill as introduced contained a section which the committee, after careful consideration, deleted from the measure as reported. This section would have removed from existing law the provision that requires the consent of the natural father to the adoption of the child, if the child had been legitimated under the laws of any jurisdiction. The committee developed during the hearings that the application of the provision in question had not, in fact, been the source of any difficulty in court proceedings. While the committee appreciates the desire on the part of the proponents of the deleted section to guard against unanticipated contingencies, the committee is of the opinion that the court is vested with ample authority under existing law to proceed to place the child for adoption without the consent of the parent in cases such as those in which the parent cannot be located, the parent has abandoned or failed to support the child, or where the court has found that despite lack of parental consent it is in the best interests of the child to be placed for adoption.

Portions of a letter addressed to the President of the Senate under date of January 15, 1959, signed by the President of the Board of Commissioners of the District of Columbia, which accompanied the draft legislation and which explains the provisions of the bill, are made herewith a part of this report:

The first section of the bill would, in certain situations, authorize an acknowledgment of the relinquishment of parental rights before a person authorized by law to administer an oath, as an alternative to an acknowledgment before a representative of the licensed child-placing agency. Under present law such relinquishment may be acknowledged only before a representative of the child-placing agency. Ordinarily, the unwed mother is present in the District of Columbia and her relinquishment can be acknowledged before a representative of the child-placing agency. Sometimes, however, before such relinquishment can be taken, the mother is called upon to leave the District of Columbia. This frequently occurs in the case of nonresident unwed mothers because of family emergencies. In such cases, it would appear to impose a hardship to require the mother to return to the District of Columbia to sign her relinquishment before a representative of a child-placing agency, or to require a representative of such agency to go to the foreign jurisdiction to witness such relinquishment.

Under present law authority exists in the Commissioners to execute agreements with any person, firm, corporation, association, or public agency licensed or authorized by a State or country for the care and placement of minors permitting such person, firm, corporation, association, or public agency to place nonresident children in foster or adoption homes in the District of Columbia. The power of the Commissioners to delegate their authority to execute such agreements is doubtful. Experience indicates the desirability of delegating this authority. The second section of the bill authorizes such delegation.

It is anticipated that there will be some decrease in cost to the District of Columbia as a result of enactment of the bill.

No witnesses appeared in opposition to the proposed bill.

CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law in the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

(58 Stat. 194; 68 Stat. 248; 70 Stat. 113)

SEC. 6. (a) Whenever a licensed child-placing agency shall have been given the permanent care and guardianship of any child and the rights of the parent or parents of such child shall have been terminated by order of a court of competent jurisdiction or by a legally executed relinquishment of parental rights, the agency is vested with parental rights and may consent to the adoption of the child pursuant to the statutes regulating adoption procedure. Minority of a natural parent shall not be a bar to such parent's relinquishment to a licensed agency. Any relinquishment of parental rights other than by court order as provided [above,] *in this subsection* may be revoked upon the written consent of all the parties to said relinquishment and any such relinquishment may be transferred from one licensed child-placing agency to another licensed child-placing agency, in which case the second agency shall assume all the rights and duties of the first agency. For the purposes of this section, 'licensed child-placing agency' shall mean any child-placing agency licensed pursuant to this Act or any child-placing agency licensed or authorized [by another State or country for the care and placement of minors. Such transfer or relinquishment shall be filed in the Domestic Relations Branch of the Municipal Court for the District of Columbia, as hereinafter provided in this section.

[Except in proceedings for adoption no parent may voluntarily assign or otherwise transfer to another his rights and duties with respect to the permanent care and control of a child under sixteen years of age unless such relinquishment of parental rights is made to a licensed child-placing agency. Such relinquishment of parental rights shall be a statement in writing signed by the person relinquishing such parental rights who shall subscribe his name thereto and acknowledge the same before a representative of the licensed child-placing agency in the presence of at least one witness. Said relinquishment of parental rights shall be recorded and filed in a properly sealed file in the Domestic Relations Branch of the Municipal Court for the District of Columbia. The seal of said file shall not be broken except for good cause shown and upon the written order of a justice of said court.] *by any State, Territory, or possession of the United States, by the Commonwealth of Puerto Rico, or by any foreign country or any state, province, or other governmental division of any foreign country for the care and placement of minors. Such transfer or relinquishment shall be filed in the domestic relations branch of the municipal court for the District of Columbia, as hereinafter provided in this section. Except in proceedings for adoption, no parent may voluntarily assign or otherwise transfer to another his rights and duties with respect to the permanent care and control of a child under sixteen years of age unless such relinquishment of parental rights is made to a licensed*

child-placing agency. Such relinquishment of parental rights shall be a statement in writing signed by the person relinquishing such parental rights who shall subscribe his name thereto and acknowledge the same before a representative of the licensed child-placing agency in the presence of at least one witness, or before a person authorized by law to administer an oath. Said relinquishment of parental rights shall be recorded and filed in a properly sealed file in the domestic relations branch of the municipal court for the District of Columbia. The seal of said file shall not be broken except for good cause shown and upon the written order of a judge of said court.

(b) The Commissioners or their designated agents are empowered to accept permanent care and guardianship of any child by a legally executed relinquishment of parental rights and when vested with such parental rights shall exercise them in the same manner as prescribed herein for a licensed child-placing agency. Such parental relinquishment taken by the Commissioners or their designated agents shall be subject to the same rights and requirements as to form, transfer, and disposition as are prescribed herein for a licensed child-placing agency.

* * * * *

SEC. 13. *As used in this Act, the term "Commissioners" means the Board of Commissioners of the District of Columbia or their designated agents. The performance of any function vested by this Act in the Board of Commissioners or in any office or agency under the jurisdiction and control of said Board of Commissioners may be delegated by said Board of Commissioners in accordance with section 3 of Reorganization Plan Numbered 5 of 1952 (66 Stat. 824).*

